

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION-
STAFF REPORT**

**February 19, 2003
MEETING NO. 03-04**

APPLICATION: HDC2003-00284

DATE FILED: December 31, 2003; Time Extension filed 1/15/04

**APPLICANT/
OWNER:** Jerusalem Mt. Pleasant United Methodist Church
17-21 Wood Lane
Rockville, MD 20850

PROPERTY DESCRIPTION:

Jerusalem Mt. Pleasant United Methodist Church and its former parsonage face south on Wood Lane. Both are located within the West Montgomery Avenue local and National Register Historic Districts. The church was built c. 1858 (rebuilt 1892) and the parsonage was constructed in 1912. The parsonage is a rectangular frame and timber two-story vernacular structure with a slightly sloping flat roof. It was damaged by arson in February 1999. Since the fire, the building has been boarded up and repairs have not been made.

PREVIOUS ACTIONS AT THIS ADDRESS:

CAV2002-14464	Vacant structure in need of painting
HDC00-0154	Request to demolish parsonage
CAV2000-10598	Rats/bats harboring in building
CAV99-00243	Structure fire (2/16/99)
CAV95-02280	Exterior painting needed

REQUEST: The Applicant requests a Certificate of Approval to demolish Cordelia House, the former parsonage at 17 Wood Lane



Cordelia House, former Jerusalem Mt. Pleasant United Methodist Church parsonage at 17 Wood Lane

1. Historic, archeological, or architectural value and significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area.

Rockville was an early center of Methodism in Montgomery County. Methodists first met in private homes with occasional visits from a “circuit rider” minister. The trustees of the Methodist Episcopal Church purchased lot 82 of the Original Town of Rockville in 1835 where “they may erect and build...thereon a house or place of worship”. They purchased a house at the corner of Wood Lane and N. Washington Street as a parsonage and interim place of worship in 1849. The Rockville Methodist Episcopal Church formally incorporated in 1852 and erected the church c. 1858.

A doctrinal dispute over slavery split the church in 1863 into northern and southern factions. The southern faction left and later built a new church on the block between Commerce Lane and Jefferson Street. The non-slavery Methodists kept the original site and building and it became a predominantly black congregation. It was renamed Jerusalem Methodist Episcopal Church in 1881. The church was rebuilt and enlarged, using the same bricks from the original structure, in 1892.

To attract the best ministers, churches often built modern, convenient houses for them nearby, but according to a 1912 survey conducted by the Board of Missions of the Presbyterian Church, only six out of 40 churches for Negro Congregations in the County had their own, unshared, minister. Jerusalem was fortunate to have its own minister and a church-owned house for him and his family. Methodist minister Reverend James Cole led the congregation in cutting down trees and sawing them into lumber to build the parsonage at 17 Wood Lane in 1912. Reverend Cole was assigned to the Rockville circuit in 1923 and served Jerusalem and Mount Pleasant churches in addition to others. He died in 1926 while living at the parsonage. The building continuously served as a parsonage from 1912 until the 1990s. Before being damaged by arson in 1999, the building was used as a women’s day resource center and was called Cordelia’s House after the wife of a former pastor, Reverend Williams. It is the last remaining example of vernacular housing left in the urban renewal section of Rockville and the West Montgomery Avenue Historic District and a rare example in the county of a streetscape that includes both a historic church and its parsonage side by side.

As a result of expanding membership and the general prosperity of the time, the church was remodeled in 1954. The brick church and the original wood German siding on the parsonage were covered with stucco as part of the renovation work. Ten years later, the two lots at the rear of the church on Beall Avenue were purchased. The church merged with Mt. Pleasant United Methodist Church in 1989 to become Jerusalem Mt. Pleasant United Methodist Church.

2. The relationship of the exterior architectural features of the structure to the remainder of the entire structure and to the surrounding area.

The former parsonage retains its original form and detailing, with the exception of the stucco surfacing that was added over the original siding to both the church and the parsonage in the 1950s. It is characteristic of a small town vernacular dwelling.

3. *The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used.*

Not applicable to this application.

4. *To any other factors, including aesthetic factors, which the Commission deems to be pertinent.*

Background

A historic area work permit application (HDC00-0154) requesting demolition for the parsonage building was submitted in February 2000 and a public hearing was held in March 2000. The building had been damaged by fire a year previously. Rockville fire inspectors reported the damage as mostly cosmetic but the fire marshal determined that the building was not suitable for habitation in its damaged condition and withdrew its occupancy permit. The insurance company assessed it as a total loss and is withholding approximately \$22,000 in proceeds until the building is either demolished, restored or rebuilt. The building has been boarded and unused since the fire.

Staff recommended denial of the application at the time because:

1. Demolition is to be a last resort
2. Efforts to re-use, repair or find alternatives to demolition had either not been made or followed through.

According to John Walker, member of the Board of Trustees at the time, preliminary plans were underway to move the women's resource center to another location and do some work on the interior to prepare it for use for Sunday school classes and other programs before it was fire damaged. However, the estimated costs to repair the fire damage and make the interior improvements were considered to be excessive and the Church felt that its resources would be better used to demolish the building and put the money toward other improvements. At the March 2000 HDC meeting, future expansion goals of the church were described to include adding a fellowship hall that could accommodate 150 to 200 people and handicap access and facilities. However, these plans were described by church representatives as very preliminary and funding sources had not yet been identified for an expansion.

The City hired an independent structural engineer to assess the structural integrity of the building and provide a cost estimate for repairs. The parsonage building was inspected by Mohammad Vatan of MGCV Consulting Structural Engineers, Inc. on May 2, 2000. The MGCV inspection report findings and recommendations were as follow:

"Part of the interior wall of the 1st, 2nd floors and roof framing are damaged by fire. This damage is local and has affected some structural members. Structurally these members could be replaced and framing is fixable. Structural drawings and documents of this work should be prepared under supervision of a professional engineer. Our very rough estimate is that the fire damaged about 600 square feet of the floor framing and 400 square feet

of the walls. To fix only the structural damaged part of the building could cost approximately \$30,000 to \$40,000. More accurate cost will be determined after construction drawings are done. We have also noticed that one of the brick piers* in the back of the building is tilted and has settled. We recommend that this pier and footing be replaced and/or repaired.”

** Staff note: the pier is for the side porch. The building sits on a brick perimeter foundation. It has no basement.*

The application for demolition was continued until further notice at the request of the applicant at the May 16, 2000 HDC meeting. Since then, members of the Board of Trustees met with HDC and planning staff on several occasions to discuss the church’s needs, rehabilitation of the former parsonage and future expansion plans. A \$5,000 grant was obtained from Preservation Maryland in 2002 to stabilize the building as a first step toward its rehabilitation and reuse. Other grants had been verbally committed previously, but were “minimal amounts” according to Church representatives and required façade easements which was not amenable to the Board of Trustees. In addition to seed money to help attract other donors, Peerless Rockville has offered assistance with fundraising, technical assistance, and help with grant applications.

A publicly advertised site visit to the building was held on February 7, 2004 and was attended by four members of the HDC, two members of HDC staff, Reverend Jane Wood and Jerusalem Mt. Pleasant United Methodist Church Board of Trustees Chair Rosetta Jackson.

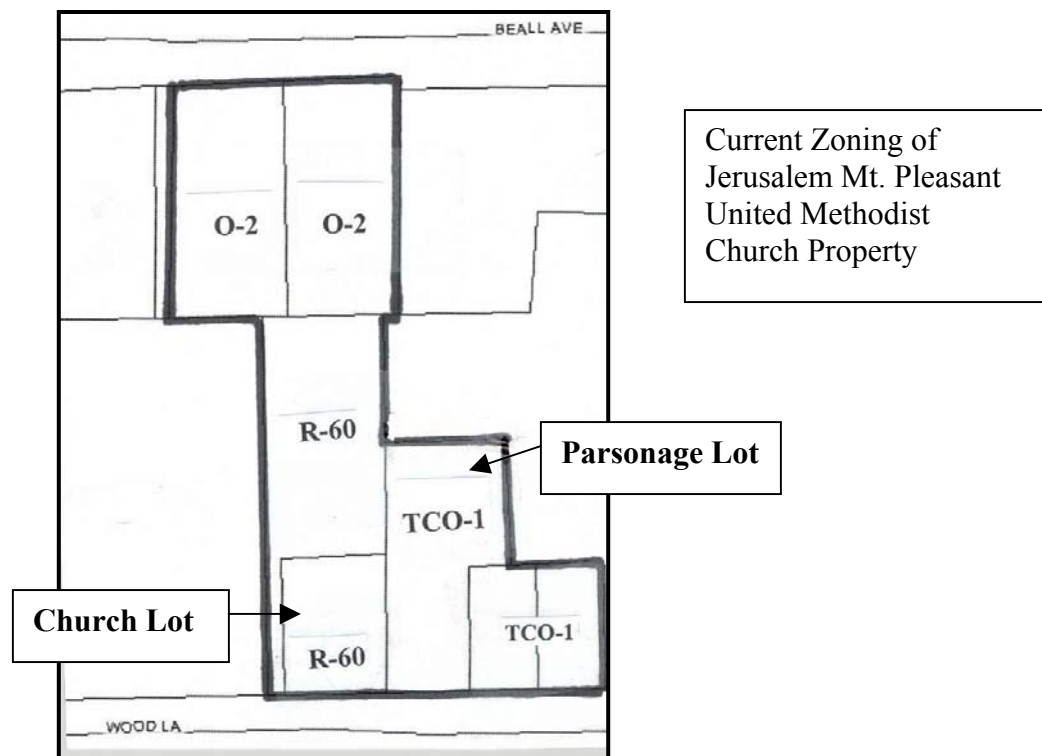
Zoning

The property currently consists of seven lots totaling 39,175 square feet (0.8994 acre). The lots are in three different zones. Two lots front Beall Avenue and are zoned O-2 (transitional office). The church and the lot immediately behind it are in the R-60 (single-family residential) zone. The parsonage and the two adjacent lots to the east are in the TCO-1 zone.

O-2 zoning provides a transition between commercial and residential uses by restricting the size of the buildings to a scale that approximates the residential zone on existing smaller lots. The development standards for the O-2 zone are a maximum lot coverage of 25%, minimum setbacks of 15 feet in the front, side, and rear, and a maximum building height of 35 feet.

The R-60 zone allows a maximum lot coverage of 35%, minimum setbacks of 25 feet in the front, 8 feet on the side (when abutting land), and 20 feet in the rear, and a maximum building height of 35 feet.

The TCO-1 zone allows a maximum lot coverage of 60% and a Floor Area Ratio (FAR) of 1.0. When abutting non-residential land, no setbacks are required but a minimum 10-foot setback is required if one is provided. No setbacks are required from the public right-of-way. A minimum lot size of 20,000 square feet is required.



The City-wide Master Plan recommended rezoning the seven adjoining lots that are owned by the Church to the O-2 zone. However, after the Master Plan was adopted, the O-2 zone was amended so that adjoining lots in the O-2 zone can not be assembled and redeveloped as one. This change would limit the ability of the church to expand its facilities in the future if the property was entirely in the O-2 zone. While other properties were rezoned as part of the map amendment process initiated by the Master Plan, rezoning of this property was deferred until optimal zoning can be determined.

The church and parsonage buildings are also in the West Montgomery Avenue Historic District (HD overlay zone) and part of the West Montgomery Avenue National Register Historic District. Therefore, the HDC has approval authority over new construction that may be proposed on the site should the structure be removed. The HDC has the authority to determine appropriate footprint, height, massing, materials and design of new construction in the historic districts within the parameters of the underlying zoning. On the other hand, historic designation does not preclude any use or appropriate additions or modifications to existing historic structures and county, state and federal tax credits are available to help defray rehabilitation costs.

It is possible to rezone the church property to allow greater flexibility for future development and expansion while retaining the historic structures. Depending on the ultimate zoning recommendation, a text amendment to amend certain provisions or development standards of the zoning also may be necessary to achieve the desired goals. An analysis of optimal zoning would need to be done, preferably once the church determines its expansion needs.

State Law Article 66 (B) 8.09 & 8.10– Zoning and Planning, State Historic Area Zoning Legislation

The relevant sections of State Code that guide the review of this request are:

8.09.

(a) If an application is submitted for construction, reconstruction or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the commission considers to be of unusual importance to the county or municipal corporation or unusual importance to the entire State or nation, the commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archaeological, or architectural significance of the site or structure, the commission shall reject the application, filing a copy of its rejection with the building inspector by whatever name known of the county or municipal corporation.

(b) If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the commission considers to be of unusual importance and no economically feasible plan can be formulated, the commission shall have ninety days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.

8.10.

In the case of a site or structure considered to be valuable for its historic, archaeological or architectural significance, the commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the fact the changes come within the provisions of § 8.09 of this subtitle if:

- (1) the site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;
- (2) retention of the site or structure would cause undue financial hardship to the owner; or
- (3) the retention of the site or structure would not be to the best interests of a majority of persons in the community.

General Interpretation of Section 8.10

Item number 1, "a major improvement program which will be of substantial benefit to the county or municipal corporation" is generally interpreted to be public facilities such as roads, bridges, schools, and so forth. Financial proof of the ability to complete the replacement project should be required. A demolition permit for a structurally sound or repairable historically designated building shall not be issued until replacement plans are approved by the commission and other reviewing agencies.

Item number 2, "undue financial hardship" criteria were established by the United States Supreme Court decision in *Penn Central Transportation Co. v. New York*. This decision is still considered to be the legal standard when considering if retention of a building is, in effect, a "taking" by the local government. In general, it is proper for the HDC to consider whether a structure can be put to a reasonable beneficial use if an application for demolition is denied. It is also proper for the HDC to consider whether a reasonable return can be attained in the use of an income producing building if an application for demolition is denied. Failure to attain maximum potential profit or use is not considered to be either a "taking" or a "hardship."

Item number 3, "retention would not be to the best interests of a majority of persons in the community." This standard is not precisely defined in the State Code, but is generally considered to be present if the structure poses an "imminent threat" to health or safety of the public. Other factors may apply on a case by case basis. Lack of maintenance that produces unsafe conditions, which can be remedied, is not considered an "imminent threat."

Information to be submitted with an application for demolition of a contributing Historic District structure

The following information, taken from the City of Rockville, Historic District Commission's Policy on Demolition Requests, has been requested from the applicant. It is not required information but, where applicable, would assist the HDC in decision-making, specifically in determining if the structure can be put to reasonable, beneficial use. As of February 13, 2004, this information has not been received.

- (1) Form of ownership of the property.
- (2) A report from an engineer licensed in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified. (If the building is structurally unsound and not repairable, then it is not reusable and the issue is moot.)
- (3) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with standard conditions of approval such as documentation.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(6) Amount paid for the property, the date of purchase, identification of the seller(s), a description of the relationship, if any, between the owner of record or applicant and the person(s) from whom the property was purchased, and any items of financing between the seller and buyer. (Include the settlement sheet.) Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.

(7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.

(9) In addition, the HDC asked the applicant to address the provisions of Section 8.10 of Article 66(B), to provide a cost analysis that would explain why preservation is not feasible, and a design analysis explaining why preservation is impractical. Insurance information that indicates how the property and its structures are insured is also relevant in this case.

Alternatives to Demolition

Staff has conducted very preliminary research on alternatives to demolishing the parsonage but a brief summary is included here to acknowledge that options do exist and should be further explored.

- 1) Rehabilitate the parsonage structure and incorporate it into an overall expansion plan for the church. The possibility of assembling the 7 lots into one lot with one zone or with split zoning could allow greater density than exists with current zoning. Additions to historic buildings are generally encouraged to the rear. There is sufficient land area for expansion of the church to the rear. Parking and access could be provided from Beall Avenue. The topography slopes downward from the church toward Beall Avenue which may provide further options.
- 2) Lease the parsonage property to another user. If a lessee rehabilitates the former parsonage and has a long-term lease (39 years or longer to cover depreciation) on the property, the lessee could be eligible for substantial tax credits that would defray the costs by up to 50%. The lessee could also add onto the building to increase the useable space. The amount of rent paid to the church could be the difference between the market rent for the zone and Town Center location and the money put into rehabilitation spread over the term of the lease. If a shorter term lease were sought, the church, as property owner, would still be eligible for county and state tax credits for rehabilitation (up to 30% of eligible costs).

- 3) Sell the three lots east of the church that are currently zoned TCO-1 for small office use. Potential purchasers include small law firms and similar office users. The proceeds could be applied toward future expansion and improvement of the church building. The new owner would be eligible for local and state tax credits for work done to stabilize and rehabilitate the parsonage and could add onto the rear of the building to enlarge the space. After five years of ownership, the owner would also be eligible for the federal tax credit if the property is income-producing. The church would retain the lots behind it for future expansion, access and parking. An appraisal and an analysis of optimal zoning for these lots are recommended to help determine the feasibility of this option.

STAFF RECOMMENDATION: Staff recommends that the HDC deny application HDC2003-00284 to demolish the former parsonage at 17 Wood Lane. Staff finds that the applicant does not meet the provisions for demolition approval as described in Sections 8.09 and 8.10 of Article 66(B) Zoning and Planning, State Historic Area Zoning Legislation. Specifically,

1. The structure is not a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;
2. Retention of the structure would not cause undue hardship to the owner as the applicant has not proven that the building can not be put to beneficial use; and
3. It has not been shown that retention of the building would not be to the best interests of a majority of persons in the community.

If the application for demolition is denied, the applicant may not submit the same or substantially the same application for a period of one year. As an alternative to denial, the HDC may choose to further defer the decision on this application if it determines that the applicant is willing and able to supply additional information that could have a material impact on the decision. Staff recommends that the City, HDC and staff continue to work with the applicant/property owner to find a viable solution to rehabilitate the structure and bring it back to use.